

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) CR. NO. 2:07-cr-296-CSC
)
 CHARLES D. GANN)

MOTION TO CONTINUE

COMES NOW the United States of America by and through its Attorney for the Middle District of Alabama, Satura McPherson, and pursuant to 18 U.S.C. § 3161(h), respectfully moves this Court to continue trial in this matter from the March 10, 2008 trial docket until on or after the May 2008 trial docket.

In support of this Motion, government counsel would show:

1. On 29 February 2008, Mr. I.M. Winter, the defense attorney for Mr. Gann, submitted a written request for pretrial diversion to our office.
2. On 29 February 2008, our office submitted a recommendation to approve the defendant's request for pretrial diversion to the U.S. Attorney's Office.
3. Final approval of the diversion request by the U.S. Attorney, a background review by the United States probation office, and placement in the "diversion program" can not take place on or before the currently scheduled trial date.
4. Therefore, it is in the interest of justice to continue trial so as to allow diversion process to be completed.

WHEREFORE, government counsel respectfully requests that this Motion be granted.

Dated this 4th day of March, 2008.

s/SATURA MCPHERSON

SATURA MCPHERSON
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50 LeMay Plaza South
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(334) 953-2786

CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to counsel of record.

s/ SATURA MCPHERSON

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ORDER

Upon consideration of Government's Motion to Continue trial, filed March 4, 2008, and for good cause, it is

ORDERED that the motion is GRANTED to the extent that the trial of this matter is hereby continued and will be reset for trial.

DONE, this ____ day of March, 2008.

/s/Charles S. Coody
CHARLES S. COODY
UNITED STATES MAGISTRATE JUDGE